

Prior law created the State Licensing Board for Locksmiths within the Dept. of Public Safety and Corrections. The board was composed of seven members who are Louisiana residents, appointed by the governor as follows:

- (1) Two members from a list of three names submitted to the governor by the board of the Louisiana Chapter of the Louisiana-Mississippi Locksmiths Association.
- (2) Two members from a list of three names submitted by the board of the Louisiana Chapter of the Ark-La-Tex Locksmiths Association.
- (3) Two at-large members, one from the northern half of the state and one from the southern half of the state, both of whom shall not be affiliated with either locksmith association.
- (4) One member to represent the Dept. of Public Safety and Corrections and to assist with conducting background checks of applicants.

New law changes the board membership from seven to nine. It also provides that one board member shall be appointed from each of the seven congressional districts, one member from the state at large, and one member to represent the Dept. of Public Safety and Corrections.

Prior law required all the board members, except the one from the Dept. of Public Safety and Corrections, to have at least five years experience in the locksmith industry and be currently engaged in the industry.

New law requires that all board members, except the one from the Dept. of Public Safety and Corrections, have at least five years experience as professional, full-time locksmiths and must be currently working as locksmiths in this state with their residence in this state. The board members must also possess valid occupational licenses, if self-employed, and valid sales identification numbers, and they must pay sales taxes in this state.

Prior law provided that five members shall constitute a quorum.

New law changes it from five to six.

Existing law provides that no member of the board shall be civilly liable for any act performed in good faith in the execution of his duties as a board member. The board may enter into contracts necessary or desirable to carry out its purposes.

New law retains existing law and further provides that when awarding such contracts, the board must give priority to companies located in this state.

Existing law provides that the board must meet at least two times per year and shall have other meetings upon the call of the chairman or upon written request of any three members of the board. Notice of any such meeting shall be given to members and the public at least 14 days in advance.

New law retains existing law and further provides that the board may hold meetings in executive session to consider matters allowed to be exempted from discussion at open meetings by means of telephone. A quorum of six members shall be required for such teleconferences.

Existing law provides that the board shall have authority to approve written training programs as acceptable equivalents for meeting the training

requirements of continuing education courses.

New law retains existing law but prohibits a written training program, approved by the board, from being provided by a board member or legal entity in which a board member has a controlling interest.

Prior law gave the board authority to set application, examination, and license fees in amounts which are reasonable and necessary to defray the costs of the administration of prior law. Such fees shall not be refundable except under certain conditions. The fees shall not exceed the following:

- |     |                                      |       |
|-----|--------------------------------------|-------|
| (1) | Application fee                      | \$50  |
| (2) | Initial license fee                  | \$100 |
| (3) | Two-year license renewal fee         | \$50  |
| (4) | Reinstatement fee                    | \$50  |
| (5) | Duplicate of replacement license fee | \$20  |

New law increases the fees to \$75, \$150, \$75, \$75, and \$35, respectively.

Prior law provided that the board shall issue a locksmith license to any applicant who satisfied certain requirements, including the following:

- (1) Is of good moral character. This is a continuing requirement of licensure.
- (2) A person shall not be refused a license to practice, pursue, or engage in locksmithing solely due to a prior criminal conviction, unless the conviction directly relates to the occupation or profession for which the license is sought. However, the board does have authority to refuse a license if it finds that the applicant is unfit and unsuited to engage in locksmithing.
- (3) If a resident of another state establishes that he has complied with prior law, and provides proof to the board that he has either applied for or holds a Louisiana state sales tax identification number and sales tax numbers from the parishes in which he does business.

New law retains prior law but makes the following changes:

- (1) Good moral character means adherence to the laws of this state.
- (2) The board also has authority to refuse a license if it finds through a criminal history record information check that the applicant habitually breaks the laws of this state or country.
- (3) The resident of another state must also show proof that he pays Louisiana sales taxes.

New law further requires applicants to submit with the license application classifiable impressions of their fingerprints on a form approved by the board.

Prior law provided that the exam for locksmiths shall be conducted according to certain guidelines. One such guideline provided that the board was authorized to evaluate the competency of applicants for locksmith licenses. It could either develop and administer an exam to evaluate competency or rely on an exam developed and administered by a professional locksmith

association such as the Associated Locksmiths of America's Proficiency Registration Program (PRP).

New law provides that the board shall develop and administer an exam to evaluate competency.

New law requires applicants for a license to submit two full sets of fingerprints.

New law requires the board to request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information on any applicant for licensure whose fingerprints the board has obtained.

New law requires the bureau to conduct a search of its criminal history record information relative to the applicant and report the result within 60 days.

New law requires all criminal history record information to be deemed confidential information restricted to exclusive use by the board. New law further provides for violations and penalties for any person who violates the provisions of new law.

Prior law provides that a license which has become inactive due to a lapse in renewal could be reactivated upon application to the board and payment of \$50. The board could adopt rules regarding reactivation of inactive licenses.

New law retains prior law but changes the fee from \$50 to \$75.

Prior law provided that the board may deny, suspend, revoke, or reinstate a license for cause.

New law provides that the board may deny, suspend, or revoke a license if there is substantial proof that this law has been violated. The board may reinstate a license for cause.

Prior law provided that a person whose license has been revoked could apply for a new license after the expiration of one year from the date of revocation. Reissuance of a license must be subject to the full exam requirements in effect.

New law allows the licensee to apply for licensure after 30 days instead of one year. It also provides that the locksmith may appeal the revocation immediately to the board to determine if the facts warrant revocation. The board shall consider the appeal immediately, and if the revocation is overturned, the board shall immediately reinstate the license.

New law provides that a person whose license has been revoked or suspended as a result of lack of knowledge in a specific area of locksmithing or due to civil or criminal action taken against the person as a result of such lack of knowledge shall only be required to retake the portion of the test in which he was found to be deficient.

Prior law provided that if any person has in his possession any locksmithing tools, implements, or outfit with intent to commit burglary, robbery, or larceny, upon conviction thereof, he would be guilty of a felony and punished by a fine of not more than \$1,000, or by imprisonment for not less than one year or more than two years, or both. The possession of such tools, implements, or outfit by any person other than a bona fide dealer, licensed locksmith, automotive reposessor, locking device manufacturer, or such manufacturer's agent who have reasonable need to possess such tools shall be prima facie evidence of an intent to commit burglary, robbery, or larceny.

New law adds that a prohibited outfit must be one that is considered to be a locksmith tool or burglar tool. It changes "larceny" to "felony theft" and a manufacturer's "agent" to "employee". It further adds that a retired or bona fide locksmith may sell or retain his equipment without being subject to the penalties of existing law.

Existing law provides that it shall be unlawful for any person or organization to engage in certain activities, including the following:

- (1) Providing material representation of facts in an application for licensure, certification, or registration.
- (2) Willfully refusing to furnish the board information or records required or requested pursuant to statute or regulation.

New law retains existing law but also allows a locksmith or other applicant to use a professional name or abbreviated name in all advertising and business dealings, provided that the use of such name is not used to conceal illegal activities or a criminal background. The written license shall contain the locksmith's legal name followed by "AKA" and the professional name. New law also provides that the board may only request information or records relevant to the requirements for licensure. Such information must be kept confidential, unless requested by law enforcement officers.

Existing law provides that whoever commits a violation of prior law is guilty of a misdemeanor and shall be fined not less than \$100 for a first offense. A second offense shall be punishable by a fine of not more than \$500, or imprisonment for not more than 90 days, or both.

New law further provides that a third offense shall be punishable by a fine of not more than \$1,000, or imprisonment for not more than 90 days, or both.

Prior law provided that a locksmith who opened a residence or commercial establishment, or safe, vault, safe deposit box, automatic teller machine, or other device for safeguarding areas where access is meant to be limited for another, whether or not for compensation, must document the street address where the work was performed on a work order form. The locksmith must also document the name, address, telephone number, date of birth, and driver's license number or other identification of the person requesting the work to be done, and obtain the signature of that person on the work order form, along with the number of any safe deposit box number that was opened. A copy of the work order must be kept by the licensed locksmith for a period of two years and must include the name and license number of the locksmith who performed the services. Work order forms must be available for inspection upon written request made three days in advance by any law enforcement agency or member of the board.

New law retains prior law but does not require the locksmith to document the date of birth of the person requesting the work. It also provides that he must obtain the signature of the bank employee who was a witness to the opening. Copies of records must be kept for three years instead of two.

Prior law provided that a locksmith who opens a motor vehicle for another, whether or not for compensation, must document on a work order form the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person, along with a complete description of the motor vehicle, including vehicle identification number, license plate number, and state of registration, year, make, model, and color of the vehicle being opened. A copy must be kept for two years by the locksmith and shall also include the

name and license number of the locksmith who performed the services. Work order forms required to be kept must be available for inspection upon written request made three days in advance by any law enforcement agency or member of the board.

New law retains prior law but does not require the locksmith to document the date of birth of the person requesting entry, nor does it require the locksmith to provide a complete description of the vehicle. The locksmith does not have to provide the color of the vehicle on the work order form. A copy of the form must be kept for three years instead of two.

Effective August 15, 1999.

(Amends R.S. 37:1393(A), (B), (D), (E), (G), and (I), 1394(A)(2), 1395(B)(6), (11), and (13) and (C)(2), 1397, 1398(A) and (D), 1400(D), (E)(3) and (4), and (F), and 1401; Adds R.S. 37:1395(B)(14), 1395.1, and 1398(G))